

SENATE BILL 344

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2lr1093
CF HB 172

By: ~~Senator Middleton~~ Senators Middleton and Simonaire

Introduced and read first time: January 30, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2012

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Local Anesthesia**

3 FOR the purpose of authorizing a dental hygienist to administer certain local
4 anesthesia by inferior alveolar nerve block under certain circumstances;
5 requiring a dental hygienist to complete certain education and examination
6 requirements before performing certain functions; requiring a dental hygienist
7 to obtain certain education from an accredited dental hygiene program;
8 requiring a dental hygienist who completed certain requirements before a
9 certain date to take and complete a certain course and clinical examination;
10 authorizing the State Board of Dental Examiners to adopt certain regulations;
11 altering a certain definition; and generally relating to the administration of
12 local anesthesia by dental hygienists.

13 BY repealing and reenacting, without amendments,
14 Article – Health Occupations
15 Section 4–101(a)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 4–101(k) and 4–205(a)(1)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health Occupations
3 Section 4–206.3
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Health Occupations**

9 4–101.

10 (a) In this title the following words have the meanings indicated.

11 (k) “Practice dental hygiene” means to:

12 (1) Perform a preliminary dental examination;

13 (2) Perform a complete prophylaxis, including the removal of any
14 deposit, accretion, or stain from the surface of a tooth or a restoration;

15 (3) Polish a tooth or a restoration;

16 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
17 and other features observed during preliminary examination, prophylaxis, or
18 polishing;

19 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

20 (6) Take a dental X ray;

21 (7) Perform a manual curettage in conjunction with scaling and root
22 planing;

23 (8) Administer local anesthesia in accordance with § 4–206.1 **OR §**
24 **4–206.3** of this title;

25 (9) Monitor, in accordance with § 4–206.2 of this title, a patient to
26 whom nitrous oxide is administered; or

27 (10) Perform any other intraoral function that the Board authorizes by
28 a rule or regulation adopted under § 4–206 of this title.

29 4–205.

30 (a) In addition to the powers set forth elsewhere in this title, the Board may:

1 (1) Adopt regulations governing:

2 (i) The administration of general anesthesia by a licensed
3 dentist;

4 (ii) The administration of sedation by a licensed dentist;

5 (iii) The use of a dental assistant by a licensed dentist in
6 performing intraoral procedures;

7 (iv) Subject to subsection (b) of this section, the issuance of a
8 permit to a facility not otherwise regulated where a dentist administers or has general
9 anesthesia or sedation administered;

10 (v) Subject to subsection (b) of this section, the issuance of a
11 permit to a dentist who administers or has general anesthesia or sedation
12 administered;

13 (vi) Reasonable requirements for the training and evaluation of
14 a dentist before the dentist may administer general anesthesia or sedation other than
15 nitrous oxide administered alone and not in conjunction with:

16 1. Another method of diminishing or eliminating pain; or

17 2. Medication used for diminishing or eliminating
18 anxiety;

19 (vii) Reasonable requirements for:

20 1. The education, training, evaluation, and examination
21 of a dental hygienist before the dental hygienist may perform manual curettage in
22 conjunction with scaling and root planing; and

23 2. Performance by a dental hygienist of manual
24 curettage in conjunction with scaling and root planing;

25 (viii) Reasonable requirements for:

26 1. The education, training, evaluation, and examination
27 of a dental hygienist before the dental hygienist may administer local anesthesia
28 under § 4-206.1 of this subtitle; and

29 2. Administering by a dental hygienist of local
30 anesthesia under § 4-206.1 of this subtitle;

31 (ix) Reasonable requirements for:

1 1. The education, training, evaluation, and examination
2 of a dental hygienist before a dental hygienist may monitor a patient to whom nitrous
3 oxide is being administered, subject to § 4–206.2 of this subtitle; and

4 2. Monitoring by a dental hygienist, in accordance with §
5 4–206.2 of this subtitle, of a patient to whom nitrous oxide is being administered;

6 **(X) REASONABLE REQUIREMENTS FOR THE EDUCATION,
7 TRAINING, EVALUATION, AND EXAMINATION OF A DENTAL HYGIENIST BEFORE A
8 DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY INFERIOR
9 ALVEOLAR NERVE BLOCK UNDER § 4–206.3 OF THIS SUBTITLE;**

10 ~~[(x)]~~ **(XI)** The discipline of a holder of any facility or
11 administration permit for the administration of general anesthesia or sedation; and

12 ~~[(xi)]~~ **(XII)** The release of patient dental records;

13 **4–206.3.**

14 **(A) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
15 SECTION, A DENTAL HYGIENIST MAY ADMINISTER LOCAL ANESTHESIA BY
16 INFERIOR ALVEOLAR NERVE BLOCK FOR THE PURPOSE OF ANESTHETIZING
17 SOFT TISSUE TO FACILITATE THE PERFORMANCE OF DENTAL HYGIENE
18 PROCEDURES, BUT NOT AS A MEDICAL SPECIALTY, PROVIDED THE
19 ADMINISTRATION OF THE LOCAL ANESTHESIA IS UNDER THE SUPERVISION OF A
20 DENTIST WHO:**

21 **(1) IS PHYSICALLY PRESENT ON THE PREMISES; AND**

22 **(2) PRESCRIBES THE ADMINISTRATION OF LOCAL ANESTHESIA
23 BY THE DENTAL HYGIENIST.**

24 **(B) (1) BEFORE A DENTAL HYGIENIST MAY ADMINISTER LOCAL
25 ANESTHESIA UNDER SUBSECTION (A) OF THIS SECTION, THE DENTAL HYGIENIST
26 SHALL SUCCESSFULLY COMPLETE THE FOLLOWING:**

27 **(I) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY
28 THE BOARD; AND**

29 **(II) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED
30 BY THE BOARD.**

1 **(2) A DENTAL HYGIENIST SHALL OBTAIN THE EDUCATION**
2 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM AN ACCREDITED**
3 **DENTAL HYGIENE PROGRAM.**

4 **(3) A DENTAL HYGIENIST WHO SUCCESSFULLY COMPLETED THE**
5 **EDUCATION REQUIREMENTS AND EXAMINATION REQUIRED UNDER PARAGRAPH**
6 **(1) OF THIS SUBSECTION BEFORE OCTOBER 1, 2011, SHALL TAKE AND**
7 **SUCCESSFULLY COMPLETE A REFRESHER COURSE AND A CLINICAL**
8 **EXAMINATION FROM AN ACCREDITED DENTAL HYGIENE PROGRAM.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.